

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-80083-CR-CANNON

UNITED STATES OF AMERICA

vs.

JAMES MATTHEW FOLZ,

Defendant.

FACTUAL PROFFER

The United States of America and James Matthew Folz ("Defendant" or "FOLZ") agree that if this case had gone to trial, the United States would have proven the following facts beyond a reasonable doubt:

1. On May 27, 2024, in the Federal waters approximately 4.2 miles off the coast of Jupiter, Florida, near Palm Beach County, in the Southern District of Florida, James Matthew FOLZ piloted his vessel bearing Florida Registration FL 3033 EV (hereinafter Vessel 2). Vessel 2 is registered in the State of Florida to FOLZ' father.

2. Another vessel (hereinafter Vessel 1) was captained by person hereinafter referred to as Victim 1. Victim 1's first mate (Victim 2) and two passengers were on Vessel 1 during a charter fishing expedition in the same waters as FOLZ and Vessel 2 on May 27, 2024.

3. Victim 1 identified FOLZ as the captain and sole occupant of Vessel 2. After an interaction ensued between Vessel 1 and Vessel 2, FOLZ threw lead fishing weights at Victim 1 and Victim 2 which required all aboard Vessel 1 to duck to avoid being hit with the lead weights. Victim 1 was able to video record FOLZ yelling obscenities and throwing another lead weight.

4. Victim 1 and Victim 2 were both in fear for their own safety and the safety of the passengers based on FOLZ throwing lead fishing weights at them. Vessel 1 was equipped with a GPS charter plotter during this event which marked the location of the incident as N 26.57.670', W 079.59.946'. This is approximately 4 miles off the coast of Florida in the special maritime and territorial jurisdiction of the United States waters. The passengers on board Vessel 1 confirmed the account of Victim 1 and Victim 2.

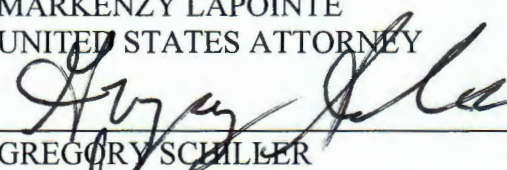
5. Based on these facts and other information known to the parties, FOLZ agrees that, had this case gone to trial, the government would have proven beyond a reasonable doubt, as to Count 1 and 2 of the Superseding Information, that FOLZ assaulted Victim 1 and Victim 2 within the special maritime and territorial jurisdiction of the United States, in violation of Title 18, United States Code, Section 113(a)(5), on or about May 27, 2024, such that:

- a. the defendant assaulted Victim 1 and Victim 2 by intentionally using a display of force that reasonably caused either of them to fear immediate bodily harm; JF JJ
- b. the defendant acted with the intent to do bodily harm to Victim 1, and Victim 2; and JB
- c. the assault took place in the Special Maritime and Territorial Jurisdiction of the United States.

Date:

11/24/24

By:

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

GREGORY SCHILLER
ASSISTANT UNITED STATES ATTORNEY

Date:

11/21/24

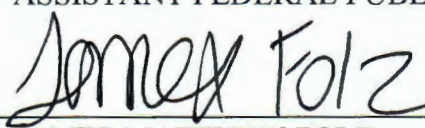
By:


SCOTT BERRY
ASSISTANT FEDERAL PUBLIC DEFENDANT

Date:

11/21/24

By:


JAMES MATTHEW FOLZ
DEFENDANT